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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,347	12/11/2000	Reinhold Barlian	BAR207	2280

7590 05/21/2003
Horst M. Kasper
13 Forest Drive
Warren, NJ 07059

EXAMINER

OLIVA, CARMELO B

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/733,347

Applicant(s)

BARLIAN ET AL.

Examiner

Carmelo Oliva

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 7,9 and 20 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11,14-19 and 21 is/are allowed.
- 6) ☒ Claim(s) 1-6,8,10,12,13,22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 21, 2003 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-6,8,10,12,13 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Toth et al. (US 3,974,933).

Regarding claim 1, Toth et al. discloses in Fig. 4, an explosion proof device casing comprising:

two casing parts 401 and 402 having wall parts disposed toward each other;

a profile clamp 432 connecting the casing parts;

a slot between the wall parts (see Fig. 4).

Regarding claim 2, the profile clamp 432 is about a C-shape.

Regarding claim 3, the clamp has a base web 435,439 and side webs 433,434 corresponding to each casing part 401 and 402.

Regarding claim 4, the side webs 433 and 434 are at a distance from each other.

Regarding claim 5, a supplemental slot is formed between a stop face of the side webs 433 and 434 and a support face of the casing parts (see Fig. 4).

Regarding claim 6, the stop face, the support face and the supplemental slot are disposed in parallel to the slot.

Regarding claim 8, the supplemental slot is shorter than the slot.

Regarding claim 10, part of the clamp is supported in a recess of the casing part.

Regarding claim 12, an inner face of the base web is parallel to a rest face of the casing (see Fig. 4).

Regarding claim 13, there is a distance between an inner face of the base web 435 and 439 and a rest face of the casing.

Regarding claim 23, the clamp is fixed to the casing parts (see Fig. 4).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toth et al.

Regarding claim 22, the clamp is not a single integral piece of uniform material. It would have been obvious to one having ordinary skill in the art at the time the invention was made for the clamp to be a single piece of uniform material, since it has been held that forming in one piece an article which has formerly been formed in two

pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

Allowable Subject Matter

7. Claims 11, 14-19 and 21 are allowable.
8. The following is a statement of reasons for the indication of allowable subject matter:

Claim 11 is allowable because the prior art alone or in combination does not teach or fairly suggest an electrical device having casing parts and a clamp connecting the casing parts, wherein a face of the clamp and an outer side of a casing part form a common plane in combination with the other claimed features.

Claims 14-16 are allowable because the prior art alone or in combination does not teach or fairly suggest an electrical device having casing parts and a clamp connecting the casing parts, wherein there is an additional wall disposed between the two casing parts in combination with the other claimed features.

Claims 17-19 and 21 are allowable because the prior art alone or in combination does not teach or fairly suggest an electrical device having casing parts and profile clamps connecting the casing parts, wherein the profile clamps form a profile slot (a profile between ends of two clamps) in combination with the other claimed features.

Response to Arguments

9. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carmelo Oliva whose telephone number is (703)305-0835. The examiner can normally be reached flexible hours on Monday through Friday with every other Wednesday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard, can be reached on (703)308-3682. The fax phone number for this Group is (703) 305-3431 for regular communications, and (703) 305-1341 for after final communications.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Dean A. Reichard 5/19/03
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